

### **REMARKS**

Claims 10, 11, 16-20 and 24-29 remain in this application.

By this amendment claim 10 has been amended by inserting the phrase "which is to be injected into the engine to be used as the engine's fuel, said fuel being". In several additional locations in claim 10, as well as in claims 24-26, "the fuel" has been replaced by "said fuel".

In the Office action of July 9, 2007, the examiner rejected claims 10, 11, 16-20 and 24-29 as anticipated by Kappel et al, DE 4306073. In that action, the examiner indicated that SP is a fuel supply in Kappel et al. Applicant still does not agree that the examiner's reading of the Kappel et al was appropriate.

The present amendment, however, has been submitted so as to modify the claims such that this reading by the examiner is even more clearly not appropriate. According to the claims as modified by this amendment, the "fuel," which is used as the hydraulic fluid in the inner chamber, the control chamber, and the annular chamber throughout claim 10 as well as the rest of the claims, is the same fuel as is injected into the engine to be burned as the fuel which energizes it. This is not the situation in Kappel et al.

Thus clearly the reference to Kappel et al does not teach, or in any way make obvious the structure which is recited in present independent claim 10, nor in the claims which depend on claim 10.

For the reference to Kappel et al to meet the recitations of the present claims, the primary fuel for the engine, which is supplied at KRZ, would also have to be used as the hydraulic fluid to operate the booster. But this is not possible since seal SD keeps the fuel

from KRZ from entering chambers KA1, KA2 and KA3; see the translation of column 4 lines 5-28 of Kappel et al. Thus, the primary engine fuel of Kappel et al is not the hydraulic fluid of the booster, as is now even more clearly recited in claim 10.

In the Office action the examiner added a rejection of claims 10, 16, 17, 28 and 29 as unpatentable over Kappel et al in view of Bart and Fuessner. But these additional references to Bart and Fuessner do not add any structure which, as pointed out above, is missing from the base reference to Kappel et al.

Bart, as recited by the examiner, teaches a compression spring concentrically surrounding a booster piston and braced by a collar of the booster piston. But this has nothing whatsoever to do with the structure which is lacking from the Kappel et al reference. More particularly, this teaching from Bart does not supply any hint of supplying the annular chamber which surrounds the piezoelectric actuator with fuel from the fuel supply, and certainly not fuel at the injection pressure. Nor does this reference to Bart in any way teach that the inner chamber 31 should communicate with the annular chamber. Accordingly, there is no way that the reference to Bart can be considered as supplying the teachings which are missing from the base reference to Kappel et al, and thus make for a proper rejection of the claims of this application.

Likewise, the reference to Fuessner does not teach anything which makes obvious these features which distinguish the claimed structure from Kappel et al. In particular, while Fuessner might show the use of a union nut, this is not a teaching of supplying the annular chamber, which surrounds the piezoelectric actuator, with fuel which is at injection pressure.

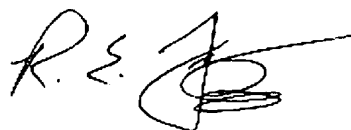
And Fuessner does not supply any teaching of an inner chamber, such as applicants' chamber 31, and certainly Fuessner does not have any teaching of filling such inner chamber with fuel from the annular chamber.

For the above reasons it is believed that claim 10 patentably distinguishes over all of the cited prior art, and that all of the examiner objections and rejections have been overcome.

Accordingly, entry of this amendment and allowance of all of the claims are courteously solicited.

The Commissioner is authorized to charge a fee of \$120.00, for a first month extension of time as specified in the fee schedule, or any other necessary fees in connection with this communication, to Deposit Account Number 07-2100.

Respectfully submitted,



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